

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TYFEESA Y. MITCHELL,  
on behalf of T.P-M,

*Plaintiff,*

v.

NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,<sup>1</sup>

*Defendant.*

CIVIL ACTION  
NO. 15-00698

**ORDER**

**AND NOW**, this 10th day of August, 2018, upon consideration of the Administrative Record (ECF No. 11), the Complaint (ECF No. 3), the Answer (ECF No. 12), Plaintiff's Brief and Statement of Issues in Support of her Request for Review (ECF No. 21), Defendant's Response thereto (ECF No. 24), Plaintiff's Reply Brief (ECF No. 26), and after considering the Report and Recommendation filed by United States Magistrate Judge Marilyn Heffley (ECF No. 27), it is hereby **ORDERED** that:

1. The Report and Recommendation (ECF No. 27) is **APPROVED** and **ADOPTED**;<sup>2</sup>

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<sup>1</sup> Nancy A. Berryhill became the Acting Commissioner for Social Security on January 23, 2017. Pursuant to Federal Rule of Civil Procedure 25(d), Berryhill should be substituted for the former Acting Commissioner, Carolyn W. Colvin, as the defendant in this action.

<sup>2</sup> When no objection is made to a Report and Recommendation, the Court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b), advisory committee notes; *see also Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998). No clear error appears on the face of the record and the Court accordingly accepts Judge Heffley's Recommendation.

2. Plaintiff's Request for Review (ECF No. 21) is **GRANTED** insofar as she requests that the decision of the Commissioner be vacated and remanded for further proceedings;
3. The final decision of the Commissioner is **VACATED** and this matter is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the Report and Recommendation;
4. The Clerk of Court shall mark this case **CLOSED** for statistical purposes.

BY THE COURT:

/s/ Gerald J. Pappert  
GERALD J. PAPPERT, J.